

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | Subcase No.: 74-2159     |
|                | ) | (Uncontested Overlap)    |
| Case No. 39576 | ) |                          |
|                | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANT:**

McFarland Livestock Company, Inc.

Robert L. Harris 1/22/08  
Robert L. Harris Date  
Attorney for McFarland Livestock  
Company, Inc.

**RESPONDENT:**

United States on behalf of the  
Bureau of Land Management

Larry A. Brown 1/25/2008  
Larry A. Brown FWP Date  
Attorney, U.S. Department of Justice  
Environment and Natural Resources

**IDWR CONCURRENCE:**

Nathaniel Arave 1/9/08  
Nathaniel Arave Date  
Water Resource Agent

**IDWR CONCURRENCE:**

Andrea L. Courtney 1/10/08  
Andrea L. Courtney Date  
Deputy Attorney General  
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-2159

NAME AND ADDRESS: MC FARLAND LIVESTOCK COMPANY INC  
C/O TEX J KAUER  
PO BOX 50  
LEMHI ID 83465

SOURCE: MILL CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 2.200 CFS

The rights listed below are limited to a total combined diversion rate of 2.4 cfs.

Combined Right Nos.: 74-1560, 74-2159, 74-15632, 74-15633

PRIORITY DATE: 06/30/1913

POINT OF DIVERSION: T16N R24E S15 NWSE Within LEMHI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
3/15 11/15

QUANTITY  
2.200 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

|                       |      |       |               |      |       |
|-----------------------|------|-------|---------------|------|-------|
| T16N R25E S05         | NESW | 4.10  | T16N R25E S05 | SESW | 26.00 |
| T16N R25E S05         | NWSE | 18.00 | T16N R25E S05 | SWSE | 27.00 |
| T16N R25E S05         | SESE | 36.00 | T16N R25E S08 | NENE | 36.00 |
| T16N R25E S08         | NWNE | 38.00 | T16N R25E S08 | NENW | 9.10  |
| 194.2 114 ACRES TOTAL |      |       |               |      |       |

Place of use does not include federal public lands

The rights listed below are limited to the irrigation of a combined total of 194.2 acres in a single irrigation season. Combined Right Nos.: 74-1560, 74-2159, 74-15632, and 74-15634

This right is limited to the irrigation of 113.6 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right No. 74-15633 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

### CERTIFICATE OF SERVICE

I certify that on Jan. 25, 2008, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

☒ Overnight Mail  
☐ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

2. Copies to:

IDWR Document Repository  
P.O. Box 83720  
Boise, ID 83720-0098

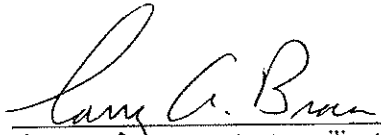
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

Robert L. Harris  
1000 Riverwalk Dr., Ste. 200  
P.O. Box 50130  
Idaho Falls, ID 83405-0130

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

U.S. Department of Justice  
Environment & Nat'l Resources Div.  
550 W. Fort St., MSC 033  
Boise, ID 83724

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile



Signature of person or attorney mailing the form